

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Wayne Carl Nicolaison,

Civil No. 04-617 (RHK/JSM)

Plaintiff,

ORDER

v.

Kevin Goodno and
Jerry Zimmerman,

Defendants.

Magistrate Judge Janie S. Mayeron, in a Report and Recommendation dated June 29, 2005, has recommended that Plaintiff's Motion for Summary Judgment be denied and that of Defendant be granted. Plaintiff has filed timely Objections and a Motion for Rejection of Magistrate Report.

The Court has conducted the required do novo review of the Report and Recommendation and the Objections with respect thereto. This Report and Recommendation is thorough, well reasoned and fully supported by the record and controlling legal principles.

Accordingly, and upon all the files, records and proceedings herein, **IT IS**

ORDERED:

1. Plaintiff's Objections to the Report and Recommendation (Doc. No. 44) are

OVERRULED;

2. The Motion for Rejection of Magistrate Report (Doc. No. 45) is **DENIED;**
3. The Report and Recommendation (Doc. No. 43) is **ADOPTED;**

4. Plaintiff's Motion for Judgment (Doc. No. 18) is **DENIED**;
5. Defendants' Motion for Summary Judgment (Doc. No. 22) is **GRANTED**;
6. Plaintiff's Motion to Deny Defendants' Motion for Summary Judgment (Doc. No. 32) is **DENIED**; and
7. Plaintiff's Complaint (Doc. No. 1) is **DISMISSED WITH PREJUDICE**, except for independent state law claims contained within the Complaint, and those claims are **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 1, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge